

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MICHELE A. NEHMER,

Plaintiff,

v.

Case No: 8:23-cv-2172-MSS-AAS

CARE ONE OF FLORIDA,

Defendant.

ORDER

THIS CAUSE comes before the Court for consideration of Plaintiff's motion for leave to proceed *in forma pauperis*. (Dkt. 2) On November 22, 2023, United States Magistrate Judge Amanda Arnold Sansone issued a Report and Recommendation, (Dkt. 6), recommending that Plaintiff's motion for leave to proceed *in forma pauperis*, (Dkt. 2), be denied, and that the complaint, (Dkt. 1), be dismissed without prejudice. No objection to Judge Sansone's Report and Recommendation has been filed, and the time to do so has passed.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the Magistrate Judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). A district judge "shall make a *de novo* determination of those portions of the report or specified proposed

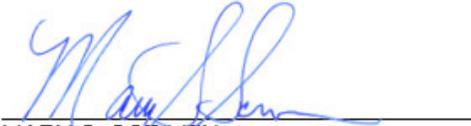
findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This requires that the district judge “give fresh consideration to those issues to which specific objection has been made by a party.” Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects. Accordingly, it is **ORDERED** that:

1. The Report and Recommendation, (Dkt. 6), is **CONFIRMED** and **ADOPTED** as part of this Order.
2. Plaintiff’s motion for leave to proceed *in forma pauperis*, (Dkt. 2), is **DENIED**.
3. Plaintiff’s complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**.

4. Should Plaintiff wish to proceed with this action, Plaintiff is **DIRECTED** to file an amended complaint within twenty-one (21) days of the date of this Order.
5. Plaintiff is also **DIRECTED** to file an updated AO 239 Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) at the same time of filing the amended complaint.
6. **If Plaintiff fails to file an amended complaint within twenty-one (21) days from the date of this Order, this action will be dismissed with prejudice and without further notice to Plaintiff.**
7. The **CLERK** is **DIRECTED** to send Plaintiff a copy of the AO 239 Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).

DONE and ORDERED in Tampa, Florida, this 15th day of December 2023.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person